



AT-IFW

In the United States Patent and Trademark Office:

Application No. 10/020,331

Filing Date: 12/12/01

Inventor: Michael T. Milbocker

Docket: Praxis-5 (now PSD-124)

Art Unit: 1618

Confirm. No: 9980

Examiner: Blessing M. Fubara

AMENDMENT AFTER FINAL AND DISCUSSION

Examiner is thanked for an extensive review of the remaining issues in this case in the interview in this case, which occurred on 12/7/2006. In the Interview, review of the antecedence of certain elements in Claim 1 of the pending application was made. In the Interview Summary prepared by the Examiner, mailed 12/12/2006, the remaining issue is the use of "first" and "second" to describe isocyanate additions. Examiner feels that this usage is new matter. While applicants do not concur that this is new matter, and reserve the right to traverse this rejection, it appears possible to amend the claim so as to eliminate the particular words without changing the meaning of the claim, and Applicants agree to such an amendment of Claim 1 (and Claim 51) in order to expedite prosecution.

The claims as presently pending after these amendments are presented on the following pages (3 – 10). Claims 1 and 51 have been amended, as shown on p. 3 and p. 9, to remove "first" and "second" as descriptors for low molecular weight or "free" isocyanates. The relevant passages retain the possibility of distinction between the low MW isocyanate reacted with the polyols, and the low MW isocyanate remaining free in the solution. Such a distinction is found in the specification, for example at paragraph 0069, first sentence, as published. It is believed that this amendment is a formal matter and does not change the scope of the claim.

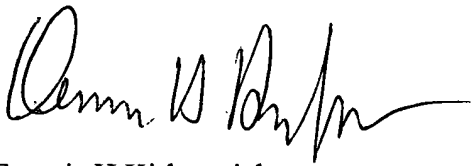
Also, as a formal matter, it is believed that it was agreed to remove the phrase "of said solution" after "5%" in claim 1, since the phrase is not needed and, by reciting "solution" rather than the antecedent "composition", is potentially confusing. It is

believed that this amendment is also a formal matter and does not change the scope of the claim.

It is believed that these formal amendments resolve all remaining issues, and passage of the application to issue is respectfully requested. If there are any remaining issues that could be resolved by telephone or an Examiner's amendment, Examiner is encouraged to contact applicant's representative at telephone 978-790-7186. Please note that the undersigned will be on vacation and not reachable by telephone from Jan. 25, 2007 through Feb. 8, 2007. Assignee (Promethean Surgical Devices) is at fax 781-933-3868, phone 781-933-1011.

It is believed that no fee is due with this response, but should any fee be due, please charge it to my deposit account, 50-3300.

Sincerely,

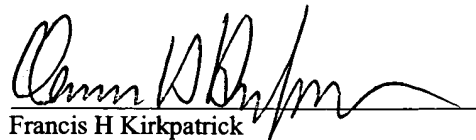


Francis H Kirkpatrick

35,219

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP ^{AF (OWE)} AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 28th day of December 2006.


Francis H Kirkpatrick